

REVISED LAWS OF MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

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and amounts being duly audited shall be paid by the state. ('09 c. 259 § 23)

[1278—]24. **Suit for damages—Evidence, etc.**—Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to persons or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employé or agent, and in all actions and proceedings against the registered owner of a motor vehicle for negligence in the operation of such vehicle or for any violation of this act, the fact that such motor vehicle had upon it the registration number assigned to such owner under this act, shall be prima facie evidence that such motor vehicle belonged to such registered owner. In case of accident to any person or property on the public highway, due to the operation thereof of a motor vehicle, the person operating such motor vehicle shall stop and, upon request of any person injured, or any person present, give such person his name and address. ('09 c. 259 § 24)

[1278—]25. **Penalty for violation.**—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('09 c. 259 § 26)

[1278—]26. **Taking and removing without consent a misdemeanor—Penalty.**—Any person who enters any warehouse, garage or building of any kind and takes and removes therefrom, for his own use or that of others, any automobile or motor vehicle, without the knowledge and consent, expressed or implied, of the owner thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly. The fact that such automobile or motor vehicle was voluntarily returned to its original place by the party taking the same before or after the owner discovers such removal, or the fact that the party taking the same was then and there in the employ of the owner of such property shall not be deemed a defense in the prosecution of such offender. ('09 c. 265 § 1)

Historical.—"An act making it a misdemeanor to take and remove automobiles and motor vehicles from any warehouse, garage or building, without the knowledge and consent of the owners." Approved April 20, 1909.

[CHAPTER 13A.]

[VESSELS NAVIGATING LAKES AND RIVERS.]

[1278—]27. **Definitions.**—That the following regulations for preventing collisions shall be followed by all vessels navigating all lakes and rivers of the state of Minnesota:

In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and

Every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel," shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these rules, when she is not at anchor, or made fast to the shore, or ground.

The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere. ('09 c. 278 § 1)

Historical.—"An act to adopt regulations for preventing collisions upon the lakes and rivers of the state of Minnesota." Approved April 20, 1909.
Section 20 repeals inconsistent acts. See section [1278—]47.

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[1278—]28. **Lights—Within what hours.**—The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited. ('09 c. 278 § 2).

[1278—]29. **Steam vessel under way.**—A steam vessel, when under way shall carry:

(a) On or in front of the foremast, or, if a vessel without a foremast, then in the fore part of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such character as to be visible at a distance of at least five miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) All steam vessels (except sea-going vessels and ferry boats), shall carry in addition to green and red lights required by article two, (b), (c) and screens as required by article two (d) a central range of two white lights. The head light shall be so constructed as to show an unbroken light through twenty points of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel, and the after light so as to show all around the horizon. ('09 c. 278 § 3)

See section [1278—]47.

[1278—]30. **Sailing vessel.**—A sailing vessel under way or being towed shall carry at the mast head a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all around the horizon at a distance of at least five miles. ('09 c. 278 § 4)

See section [1278—]47.

[1278—]31. **Row boats—Lanterns to be carried.**—Rowing boats, whether under oar or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision. ('09 c. 278 § 5)

STEERING AND SAILING RULES—PRELIMINARY—RISK OF COLLISION.

[1278—]32. **Risk of collision.**—Risk of collision can, when circumstances permit, be ascertained by careful watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist. ('09 c. 278 § 5)

[1278—]33. **Sailing vessels approaching one another.**—When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is close hauled.

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(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel. ('09 c. 278 § 6)

[1278—]34. **Steam vessels approaching one another.**—Rule No. 1. When steam vessels are approaching each other head and head, that is, end on, or nearly so, it shall be the duty of each to pass on the port side of the other; and either vessel shall give as a signal of her intention one short and distinct blast of her whistle which the other vessel shall answer promptly by a similar blast of her whistle, and thereupon such vessels shall pass on the port side of each other, but if the course[s] of such vessels are so far on the starboard of each other as not to be considered as needing head and head, either vessel shall immediately give two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass on the starboard side of each other. The foregoing only applies to cases where vessels are meeting end on or nearly end on, in such a manner as to involve risk of collision; in other words, to cases in which, by day, each vessel sees the mast of the other in a line, or nearly in a line, with her own, and by night to cases in which each vessel is in such a position as to see both the side lights of the other. It does not apply by day to cases in which a vessel sees another ahead crossing her own course, or by night to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or where a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

Rule No. 2. If, when steam vessels are approaching each other, either vessel fails to understand a course or intention of the other, from any cause, the vessel so in doubt shall immediately signify the same by giving several short and rapid blasts, not less than four, of the steam whistle.

Rule No. 3. Whenever a steam vessel is nearing a short bend or curve in the channel, where, from the height of the banks or other cause, a steam vessel approaching from the opposite direction cannot be seen for a distance of half a mile, such steam vessel, when she shall have arrived within a half mile of such curve, or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast, given by any approaching steam vessel that may be within hearing. Should such signal be so answered by a steam vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but, if the first alarm signal of such vessel be not answered, she is to consider the channel clear and govern herself accordingly. When steam vessels are moved from their docks or berths, and other boats are liable to pass from any direction toward them, they shall give the same signal as in the case of vessels meeting at a bend, but immediately after clearing the berths so as to be fully in sight they shall be governed by the steering and sailing rules.

Rule No. 4. When steam vessels are running in the same direction, and the vessel which is astern shall desire to pass on the right or starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of such desire, and if the vessel ahead answers with one blast, she shall put her helm to port; or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two short blasts of the steam whistle as a signal of such desire, and if the vessel ahead answers with two blasts, shall put her helm to starboard; or if the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point she shall immediately signify the same by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached the point where it can be safely done, when said vessel ahead shall signify her willingness by blowing the proper signals. The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of a passing vessel.

Rule No. 5. The whistle signals provided in the rules under this article, for steam vessels meeting, passing, or overtaking, are never to be used except when steamers are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights. ('09 c. 278 § 7)

[1278—]35. **Steam vessels crossing.**—When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other. ('09 c. 278 § 8)

[1278—]36. **Steam and sailing vessels involving risks of collision.**—When a steam vessel and a sailing vessel or rowing boat are proceeding in such direction as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel or rowing boat. ('09 c. 278 § 9)

[1278—]37. **Course and speed.**—Where, by any of these rules, one of the two vessels is to keep out of the way, the other shall keep her course and speed. ('09 c. 278 § 10)

[1278—]38. **Crossing ahead of the other.**—Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other. ('09 c. 278 § 11)

[1278—]39. **Slackening of speed.**—Every steam vessel, which is directed by these rules to keep out of the way of another vessel, shall, on approaching her, if necessary, slacken her speed or stop or reverse. ('09 c. 278 § 12)

[1278—]40. **Overtaking of another vessel.**—Notwithstanding anything contained in these rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel. Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel, within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally passed and cleared. As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that

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she is an overtaking vessel, and keep out of the way. ('09 c. 278 § 13)

[1278—]41. In narrow channels.—In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel. ('09 c. 278 § 14).

[1278—]42. Sailing vessels to keep out of way.—Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing vessels or boats. ('09 c. 278 § 15)

[1278—]43. Construction of rules.—In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger. ('09 c. 278 § 16)

SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER.

[1278—]44. Steam vessel under way.—When vessels are in sight of one another a steam vessel under way whose engines are going at full speed astern shall indicate that fact by three short blasts on the whistle. ('09 c. 278 § 17)

NO VESSEL UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS.

[1278—]45. Rules not to exonerate.—Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. ('09 c. 278 § 18)

[1278—]46. Violation of rules—Penalty.—That every pilot, engineer, mate, or master of any steam vessel, and every master or mate of any barge, who neglects or refuses to observe the provisions of this act, or the regulations established in pursuance of the preceding sections shall be liable to a penalty not to exceed fifty dollars, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal. Provided, that nothing herein shall relieve any vessel, owner, or corporation from any liability incurred by reason of such neglect or refusal. ('09 c. 278 § 19)

[1278—]47. Lights on launches and sailboats.—Every person who navigates any steam launch, gasoline launch or sailboat, or who permits any such boat owned by him to be navigated, at night, on any waters of this state without having such boat equipped with a suitable light, placed at the bow of any such launch or at the mast of any such sailboat, and so arranged as to be plainly visible for at least one hundred yards, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment for not less than ten days nor more than thirty days. ('09 c. 146 § 1)

Historical.—"An act requiring all launches and sailboats, navigated at night on any of the waters of this state, to be equipped with lights." Approved April 6, 1909.

See sections [1278—]29, [1278—]30, and note under section [1278—]27.